

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

United States of America, et
al.,

Plaintiffs,

v.

RealPage, Inc., et al.,

Defendants.

Case No. 1:24-cv-00710-WO-JLW

DEFENDANT LIVCOR, LLC'S MOTION TO
DISMISS UNDER FEDERAL RULE OF CIVIL
PROCEDURE 12(b)(6)

Defendant LivCor, LLC ("LivCor") moves the Court to dismiss Plaintiffs' Amended Complaint with prejudice under Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted.

As more fully set forth in LivCor's accompanying brief, the grounds for this Motion are as follows:

1. The Court should dismiss Plaintiffs' claims under Count 1, and the related state-law claims, because Plaintiffs plead no facts showing LivCor participated in the alleged anticompetitive information-sharing conspiracy with thousands of other RealPage subscribers.
2. The Court should dismiss Plaintiffs' claims under Count 2, and the related state-law claims, because

Plaintiffs plead no facts showing that LivCor entered into an anticompetitive agreement with RealPage to align prices, nor any facts establishing that LivCor has market power in any alleged relevant market.

3. The Court should dismiss all claims against LivCor pertaining to markets within Connecticut, because Plaintiffs fail to plausibly allege any claims against LivCor related to such markets, where LivCor has never operated.

WHEREFORE, LivCor respectfully moves the Court to dismiss Plaintiffs' Amended Complaint with prejudice. Respectfully submitted this 10th day of April 2025.

Dated: April 10, 2025

By: /s/ Kearns Davis

Kearns Davis
Brooks, Pierce, McLendon,
Humphrey & Leonard
2000 Renaissance Plaza
230 North Elm Street
Greensboro, NC 27401
(336) 373-8850
kdavis@brookspierce.com
NC Bar No. 22014
Local Civil Rule 83.1(d)
Counsel for Defendant LivCor

/s/ Michelle K. Fischer

Michelle K. Fischer
JONES DAY
901 Lakeside Avenue
Cleveland, OH 44114
(216) 586-7096
mfischer@jonesday.com

Peter J. Schwingler
JONES DAY
90 South Seventh Street
Suite 4950
Minneapolis, MN 55402
(612) 217-8866
pschwingler@jonesday.com

David Kiernan
JONES DAY
555 California Street
26th Floor
San Francisco, CA 94104
(415) 875-5745
dkiernan@jonesday.com

*Attorneys for Defendant
LivCor, LLC*